

### **REMARKS**

Claims 46 -48, 50 – 52, 54 - 59 and 61 – 67 are pending and stand rejected in the above-referenced office action. No amendments to the claims are made in conjunction with this supplemental response. all claims remain as previously presented or originally filed.

All claims stand rejected over the combination of Whitehurst and Houben alone or in conjunction with one or more of Sterzer and Weaver. This rejection is respectfully traversed.

All rejections are based upon the argument that Houben makes it obvious to add qRs synchronization to Whitehurst, and thus produce the claimed invention. Based upon the Examiner's comments in conjunction with the Advisory Action of January 29, 2009, it appears the arguments included in the previous response were not clearly presented. The Examiner is respectfully requested to consider the following in conjunction with the prior response.

The teaching of the Houben reference is that if the organ to be stimulated produces signals which are to be sensed, the stimulation should be synchronized to the sensed signals to avoid interference with the sensing function. This basic and well known principle is applied in almost all heart stimulation systems, including pacemakers, Implantable defibrillators, etc.

The device of as the Whitehorst reference stimulates a tumor, which produces no signals to be sensed. The teaching of Houben is thus inapplicable because the Houben reference would suggest there is simply no need for sensing. The teaching of Houben is clear. If there are signals coming from the organ to be stimulated that need to be sensed, one should synchronize the delivery of the stimulation pulses to the sensed signals. The contra-positive of this proposition is also necessarily taught by Houben, i.e. that if the organ to be stimulated produces no signals to be sensed, there is no need to synchronize the stimulation. Indeed, if there are no signals to be sensed in the

stimulated organ, Houben would suggest there is no relevant signal available to synchronize to. Houben does not suggest and in fact teaches away from synchronizing stimulation delivery to signals from some other, non-stimulated organ, as is required by the claims of the present application. Houben doesn't suggest sensing signals from a non-stimulated organ for any purpose whatsoever. The Weaver and Sterzer references are not cited as providing relevant teaching on this point.

It is respectfully asserted that absent relevant teaching in the cited art, the only source for the suggestion to sense signals from an organ other than the one stimulated must come from the present application. Absent this teaching in the cited references, it is respectfully asserted that the cited references teach away from the present invention as claimed and cannot render it obvious.

Withdrawal of the rejections of the claims over Whitehurst and Houben alone and in conjunction with Weaver and/or Sterzer is respectfully requested.

All remaining claims are believed to be in condition for allowance. Entry of the above amendment and reconsideration of the rejections is respectfully requested. Due to the expiration of the three month period for response, a Notice of Appeal is submitted herewith.

Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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Date

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